IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 917 OF 2005

Janardan Hari Shende ..Petitioner

Vs.

1. The Administrator
Seth Nanji Khimji Thakkar,
Thanawala College of Commerce
and ors. ..Respondents

Mr. Rahul S. Thakur for petitioner.
Mr. V.N. Bolingkar for respondent no.2.
Mrs.M.P. Thakur, AGP for respondent nos.3 and 5.
Mr. P.M. Palshikar for respondent no.4 absent.

CORAM: B.H. MARLAPALLE &
N.H. PATIL, JJ.

Date : September 04, 2006.

P.C.:

1. Heard the learned counsel for the petitioner who is seeking directions for implementation of the Grievance Committee's recommendations constituted by the respondent no.4-University. The subject recommendations are dated 2/9/2004 and as per the petitioner the Committee has suggested the management to send proposal for his approval for the post of Lecturer in Commerce with effect from 20/6/2000.

2. The Administrative Officer from the office of the Joint Director, Higher Education, Mumbai Region has filed an affidavit in reply and it has been pointed out that the Selection Committee interviewed eight candidates on 28/6/2000 for the post of Lecturer in Commerce and for one post three candidates in the order of merit were recommended. Mr.Maheshkumar B. Patil was the first candidate in merit and he was appointed for the said post. Subsequently, one Mrs.Ghare, who was lecturer in Psychology resigned during the academic year 2000-01 and in her place the petitioner came to be appointed for the academic year only and the approval was granted accordingly. Nonetheless, the petitioner was continued in the academic year 2001-02 and some Lecturers were suspended. They were reinstated and the petitioner was continued against such suspended vacancies. The affidavit clearly states that during the academic year 2003-04 there was no workload available to the petitioner and he was paid on the clock hour basis. The action of the University and the Grievance Committee has been claimed to be against the

provisions of Section 8(G) of the Maharashtra Universities Act, 1994 in recommending the name of the petitioner for approval. We have also noted that Mr.Patil was directed to be reinstated as per the order passed by the University and College Tribunal and, therefore, as at present, the petitioner's claim for approval to the post of Lecturer in Commerce is untenable.

3. Hence, the petition is rejected summarily.

(N.H. Patil, J.) **(B.H. Marlapalle,J.)**